

**BOARD OF SELECTMEN
MEETING AGENDA**

**Fuller Meadow School
Nathan Media Room
143 South Main Street, Middleton, MA 01949
Tuesday, April 11, 2017
7:00 PM**

This meeting is being recorded

1. 7:00 PM Warrant
Minutes
Town Administrator
2. 7:10 PM Continuation of January 31, 2017 Public Hearing, per Massachusetts General Law Chapter 140, Section 157, to investigate the complaints made regarding a dog domiciled at Two Bellevue Avenue
3. 7:20 PM Vote to renew two seasonal all alcohol restaurant licenses; two common victualler licenses; and, two entertainment licenses, for SD Management Group LLC at the Member's Lounge and Halfway House Snack Bar at 8-10 Village Road, Ronald Rice, Manager
4. 7:25 PM Open Special Town Meeting Warrant for May 9, 2017
 - A. Vote to appropriate the sum to be determined to be used to fund the deficit incurred in the Department of Public Works (snow removal and winter road maintenance) in Fiscal Year 2017
 - B. Vote to raise and appropriate the sum of \$12,000 to restore funds to the Council on Aging Revolving Fund
 - C. Vote to raise and appropriate the sum of \$10,000 to supplement the Veterans Service Officer, Veterans Aid budget
 - D. Vote to raise and appropriate, transfer between and among various accounts, or transfer from available funds to supplement the Fiscal Year 2017 operating budgets
 - E. Close May 9, 2017 Special Town Meeting Warrant
5. 7:35 PM Final review of the May 9, 2017 Annual Town Meeting Warrant
6. 7:45 PM New Business: Reserved for topics that the Chair did not reasonably anticipate would be discussed
7. 7:50 PM Executive Session under Massachusetts General Laws Chapter 30A, Sections 21(a) 3, to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body; and 6, to consider the purchase, exchange, lease or value of real property

The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Ryan Ferrara

From: Derek Fullerton
Sent: Friday, March 31, 2017 10:44 AM
To: Andrew Sheehan
Cc: Ryan Ferrara; Scott Fitzpatrick
Subject: 2 Belleview Kennel

Hi Andy,

Today Scott and I went to the 2 Belleview Ave property and inspected the kennel. The kennel has been built secure and solid. The kennel has a secure roof, the fence is buried into the concrete at the bottom, and proper ties at the corners, and with a concrete foundation.

The kennel is small (maybe 7 x 5) however, is built solid.

Derek

Please note my email address is now derek.fullerton@middletonma.gov

Derek Fullerton, RS/REHS,CHO,CEHT
Director of Public Health
Middleton Board of Health
195 North Main Street
Middleton, MA 01949-1696
P#: 978-777-1869
www.townofmiddleton.org



"like" us on

facebook



Please consider the environment before printing this email.
Note: This email is subject to MGL c66s10, Public Records Law.



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE STATE TREASURER
ALCOHOLIC BEVERAGES CONTROL COMMISSION

239 Causeway Street, 1st Floor Boston, Massachusetts 02114

Retail License Renewal

BLANK RENEWAL FORM

License Number:	00034-RS-0704	Municipality:	Middleton
License Name:	SD Management Group LLC	License Class:	Seasonal
Premises Address:	8-10 Village Road	License Type:	On-Premises/ Restaurant
Manager Name:	Ronald E. Rice	License Category:	All Alcohol

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

The Local Licensing Authorities:

20-3965825
Employer Identification Number (Do Not Use Social Security Number)

Additional Information:

--

**Town of Middleton
Board of Selectmen Office
48 South Main Street
Middleton, MA 01949**

Please use this form to obtain your license renewal. Please remit a properly signed State Tax Form (attached) and a check made payable to the Town of Middleton to this office no later than **Wednesday, November 30, 2016**. License fees shall be paid by either **cashier's check or bank check**. Due to recent changes in state regulations, all license fees must be received in this office no later than November 30, 2016 in order to have your license renewed for January 1st.

SEASONAL ALCOHOLIC BEVERAGE LICENSE RENEWAL FORM FOR 2017

TYPE OF LICENSE		LICENSE FEE	AMOUNT DUE
Club License	_____	\$500.00	_____
Seasonal All Alcohol Restaurant	<u>1</u>	\$2,000.00	<u>\$2,000.00</u>
All Alcohol Inn Holder	_____	\$2,500.00	_____
All Alcohol Package Store	_____	\$2,000.00	_____
Beer & Wine Restaurant	_____	\$2,000.00	_____
Beer & Wine Package Store	_____	\$1,500.00	_____
Amusement Machines	_____	\$100.00	_____
Common Victualler	<u>1</u>	\$100.00	<u>\$100.00</u>
Juke Box	_____	\$35.00	_____
Entertainment	<u>1</u>	\$10.00	<u>\$10.00</u>
Golf License	_____	\$100.00	_____
Gas License (per nozzle)	_____	\$45.00	_____
Total Amount Due			<u>\$2,110.00</u>
By November 30, 2016			

Business Name: Halfway House Snack Bar at Ferncroft Country Club

Business Manager Name: _____

Phone Number: _____

Please Remit Receipts for Outstanding Balances Due for the Following:

Middleton Electric Department: \$10,798.57

Middleton Fire Department: \$200.00

**Town of Middleton
Board of Selectmen Office
48 South Main Street
Middleton, MA 01949**

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All Alcohol Inn Holder	_____	\$2,500.00	_____
All Alcohol Package Store	_____	\$2,000.00	_____
Beer & Wine Restaurant	_____	\$2,000.00	_____
Beer & Wine Package Store	_____	\$1,500.00	_____
Amusement Machines	_____	\$100.00	_____
Common Victualler	<u>1</u>	\$100.00	<u>\$100.00</u>
Juke Box	_____	\$35.00	_____
Entertainment	<u>1</u>	\$10.00	<u>\$10.00</u>
Golf License	_____	\$100.00	_____
Gas License (per nozzle)	_____	\$45.00	_____
Total Amount Due			<u>\$2,110.00</u>
By April 4, 2017			

Business Name: Member's Lounge at Ferncroft Country Club

Business Manager Name: _____

Phone Number: _____

Please Remit Receipts for Outstanding Balances Due for the Following:

Middleton Electric Department: \$10,798.57

Middleton Fire Department: \$200.00

Town of Middleton, Massachusetts
Revenue Enforcement and Protection Certification (REAP)

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, I hereby certify under the penalties of perjury that I to my best knowledge and belief, have filed all State tax returns and paid all state taxes required by law.

Name of Company: SD Management

Address: 10 Village Road Middleton MA 01949

Title of Person Signing: General Manager

Signature of Individual or Corporate Name: *R. Rice*

Printed Name of Above: Ronald Rice

Contact Telephone Number: 617 438 6673

Date: 4/4/2017

Social Security Number or Federal Identification Number: 20-3965825

Email Address: r.rice@femcroftcc.com

TOWN OF MIDDLETON
ANNUAL LICENSE AFFIDAVIT STATUS
OF EMPLOYEE TRAINING FOR SERVING OR SELLING ALCOHOL
(T.I.P.S.)

Name of Licensee:

SD Management

Address:

10 Village Road Middleton MA

1. Number of employees serving alcohol

9

2. Name of all employees who have TIPS training and training expiration date of certificate.
(Please submit copies of training certificates for all employees).

Employee Name:

Date of
Certification:

Certificate
Expiration Date:

Ronald Rice

11/30/16

11/30/19

Amanda Larkin

1/2/15

1/2/18

Morgan Lyon

4/13/16

4/13/19

Colleen Fee

11/25/16

11/25/19

Matthew Smolinsky

11/29/16

11/29/19

Kellie Miltner

1/16/15

1/16/18

Catherine MacGilvray

11/30/16

11/30/19

Violaine Gillot

2/5/15

2/5/18

Jennifer Burke

2/3/16

2/3/19

(Please use an additional sheet if necessary to list all names)

Certificate of Completion

This Certificate of Completion of

eITP5 On Premise 3.0

For coursework completed on November 30, 2016

provided by Health Communications, Inc.
is hereby granted to:

Ronald Rice

Certification to be sent to:

Fennett Country Club, Middleton

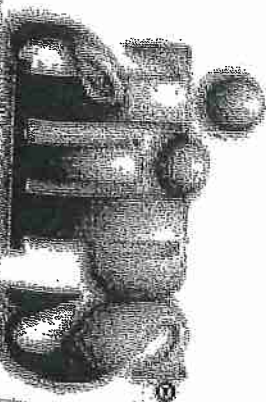
10 Village Rd

Middleton MA, 01949-1213 USA

HCI

HEALTH COMMUNICATIONS INC.

This document is the proof of ITP5 completion. It should be used by the user to demonstrate the course. Valid certification document is not for sale.



This is your Official TIPS® Certification Card.

Carry it with you as evidence of your skills and knowledge in the responsible sale and consumption of alcohol.

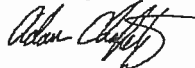
Congratulations!

By successfully completing the TIPS (Training for Intervention ProcedureS) program, you have taken your place in the forefront of a nationwide movement to reduce the tragedies resulting from the misuse of alcohol. We value your participation in the TIPS program.

You will help to provide a safer environment for your patrons, peers and/or colleagues by using the techniques you have learned and taking a positive approach towards alcohol use.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 703-524-1200. Thank you for your dedication to the responsible sale and consumption of alcohol.

Sincerely,



Adam F. Chafetz
President, HCI

IMPORTANT: Keep a copy of this card for your records. Write down your certification number because you will need it when contacting TIPS. For assistance or additional information, contact Health Communications, Inc. by using the information provided on the reverse side of your certification card. There is a minimal charge for a replacement card if your original card becomes lost, damaged or stolen.

TIPS	eTIPS On Premise 2.0	SSN:	XXX-XX-XXXX
Issued:	1/2/2015	Expires:	1/2/2018
ID#:	3891555	D.O.B.:	XXXX/XXXX

Amanda A Larkin
Femcroft Country Club
Middleton
10 Village Rd
Middleton, MA 01949-1213

For service visit us online at www.gettips.com



iIPS On Premise 2.0 SSN: XXX-XX-XXXX

Issued: 4/13/2016

Expires: 4/13/2019

ID#: 4229067

D.O.B.: XX/XX/XXXX

**Morgan Lyon
Oakley Country Club
410 Belmont St
Watertown, MA 02472-1333**

For service visit us online at www.gettips.com

You have successfully completed the ServSafe Alcohol® Responsible Alcohol Service Training and Certification Program. This is your official ServSafe Alcohol Certification Card and provides confirmation that you have studied and are knowledgeable about how to serve alcohol responsibly.

Thank you for participating in the ServSafe Alcohol program. Responsible alcohol service begins with the decision you make to get ServSafe Alcohol training, will help you make the right decision when the moment arises.

By completing the ServSafe Alcohol program, you show your dedication to safe and responsible alcohol service, the ServSafe Alcohol program and the National Restaurant Association are dedicated to helping you continue to raise the bar on alcohol safety. To learn more about our full suite of responsible alcohol service training products, contact your State Restaurant Association, your distributor or visit us at servsafe.com. We value your dedication to responsible alcohol service and applaud you for making the commitment to keep your operation, your customers and your community safe.

Sincerely,

Sherran Brown
Sherran Brown

Senior Vice President, National Restaurant Association Solutions

ServSafe
National Restaurant Association

ID # 12188313
CARD # 14410222

ServSafe Alcohol® CERTIFICATE



COLLEEN FEE
NAME
11/25/2016
DATE OF EXAMINATION
Card expires three years from the date of examination. Excludes apply.

DN# 0062014
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Senior Vice President, National Restaurant Association Solutions

Sherran Brown

This certificate confirms completion of the ServSafe Alcohol® responsible alcohol service program.

In Alcohol, you must practice responsible service to be safe.

NATIONAL
RESTAURANT
ASSOCIATION

175 West Jackson Boulevard
Suite 1500
Chicago, IL 60604-2814
1-800-SERVSAFE
312/713-1010 In the Chicago area

ServSafe.com



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NOTE: You can access your state certification information anytime at ServSafe.com with the six-digit number provided on this form. If you have any questions regarding your certification please contact the National Restaurant Association Service Center at ServiceCenter@restaurant.org, or 800/765-2122, ext. 6763.

Do not click Back-Space to leave this window

Certificate of Completion

This Certificate of Completion of
eTIPS On Premise 3.0
For coursework completed on November 29, 2016
provided by Health Communications, Inc.
is hereby granted to:

Matthew Smolinsky

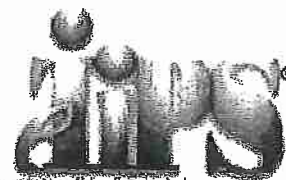
Certification to be sent to:

Ferncoft Country Club
84 Newbury Rd
Rowley MA, 01969-2507 USA



HEALTH COMMUNICATIONS, INC.

This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.



This is your Official TIPS® Certification Card.
Carry it with you as evidence of your skills and knowledge in the responsible sale and consumption of alcohol.

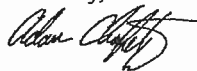
Congratulations!

By successfully completing the TIPS (Training for Intervention Procedures) program, you have taken your place in the forefront of a nationwide movement to reduce the tragedies resulting from the misuse of alcohol. We value your participation in the TIPS program.

You will help to provide a safer environment for your patrons, peers and/or colleagues by using the techniques you have learned and taking a positive approach towards alcohol use.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 703-524-1200. Thank you for your dedication to the responsible sale and consumption of alcohol.

Sincerely,



Adam F. Chafetz
President, HCI

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eTIPS On Premise 2.0 SSN: XXX-XX-XXXX
Issued: 1/16/2015 Expires: 1/16/2018
ID#: 3900976 D.O.B.: XX/XX/XXXX

Kellie M Miltner
Femcroft Country Club
Middleton
10 Village Rd
Middleton, MA 01949-1213

For service visit us online at www.gettips.com

This is your official TIPS certification card. Carry it with you as proof of your TIPS certification.

Congratulations!

This card certifies that you have successfully completed the TIPS (Training for Intervention Procedures) program. We value your participation and dedication to the responsible sale, service, and consumption of alcohol.

By using the techniques you have learned, you will help to provide a safer environment for your patrons, peers, and colleagues and reduce the tragedies resulting from intoxication, underage drinking, and drunk driving.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 800-438-8477.



Sincerely,



Adam F. Chafetz
HCI President

ID#: 4409696 Name: Catherine MacGilvray
Exam Date: 11/30/2016 Expiration Date: 11/30/2019



CERTIFIED

eTIPS On Premise 3.0

Issued: 11/30/2016

Expires: 11/30/2019

ID#: 4409696

Catherine MacGilvray
Ferncroft Country Club
Middleton
10 Village Rd.
Middleton, MA 01949-1213

For service visit us online at www.gettips.com

This is your Official TIPS® Certification Card.
Carry it with you as evidence of your skills and knowledge in the responsible sale and consumption of alcohol.

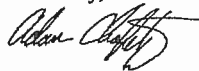
Congratulations!

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Sincerely,



Adam F. Chafetz
President, HCI

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eTIPS On Premise 2.0	SSN:	XXX-XX-XXXX
Issued:	2/5/2015	Expires: 2/5/2018
ID#:	3914527	D.O.B.: XX/XX/XXXX

Violaine Gillot
Femcroft Country Club
10 Village Rd
Middleton, MA 01949-1213

For service visit us online at www.gettips.com

This is your Official TIPS® Certification Card.
Carry it with you as evidence of your skills and knowledge in the responsible sale and consumption of alcohol.

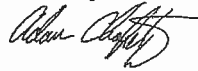
Congratulations!

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If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 703-524-1200. Thank you for your dedication to the responsible sale and consumption of alcohol.


Sincerely,



Adam F. Chafetz
President, HCI

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For assistance or additional information, contact Health Communications, Inc. by using the information provided on the reverse side of your certification card. There is a minimal charge for a replacement card if your original card becomes lost, damaged or stolen.

	eTIPS On Premise 2.0SSN:	XXX-XX-XXXX
Issued:	2/3/2016	Expires: 2/3/2019
ID#:	4178258	D.O.B.: XX/XX/XXXX
Jennifer L Burke Ferncroft Country Club Middleton 10 Village Rd Middleton, MA 01949-1213		
For service visit us online at www.gettips.com		

Michelle Creasi

From: Kathy Diamond <kdiamond@middletonelectric.org>
Sent: Wednesday, April 05, 2017 12:36 PM
To: Michelle Creasi
Subject: Ferncroft Holdings

Hi Michelle –

This is to confirm that Ferncroft Holdings LLC is up to date on their accounts. If you have any other questions, please feel free to call.

Kathy

105160

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference
2/1/2017	Bill	02012017

Original Amt.
9,489.60

Balance Due
9,489.60

Discount

Payment
9,489.60
9,489.60

Check Amount

Ferncroft Holdings, LLC
Stoneham - Operating

Check Copy 1

9,489.60

Ferncroft Holdings, LLC
DBA Ferncroft Country Club
8 Village Rd
Middleton, MA 01949

Stoneham Bank
Stoneham, MA

105160

DATE	3/21/2017
AMOUNT	**9,489.60

Pay to the Order of M.E.L.D.
EXACTLY

Nine Thousand Four Hundred Eighty-Nine and 60/100***** Dollars

M.E.L.D.
Middleton Municipal Electric Department
197 North Main St.
Middleton, MA 01949-1655

 Y

MEMO:

105160

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference
2/1/2017	Bill	02012017

Original Amt.
9,489.60

Balance Due
9,489.60

Discount

Payment
9,489.60
9,489.60

Check Amount

Ferncroft Holdings, LLC
Stoneham - Operating

9,489.60

105161

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/1/2017	Bill	02012017	27.97	27.97		27.97
				Check Amount		27.97

Ferncroft Holdings, LLC
Stoneham - Operating

Check Copy 1

27.97

Ferncroft Holdings, LLC
DBA Ferncroft Country Club
8 Village Rd
Middleton, MA 01949

Stoneham Bank
Stoneham, MA

105161

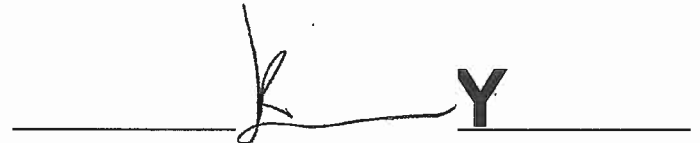
DATE	3/21/2017
AMOUNT	**27.97

Pay to the Order of M.E.L.D.
EXACTLY

Twenty-Seven and 97/100***** Dollars

M.E.L.D.
Middleton Municipal Electric Department
197 North Main St.
Middleton, MA 01949-1655

MEMO:

**105161**

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/1/2017	Bill	02012017	27.97	27.97		27.97
				Check Amount		27.97

Ferncroft Holdings, LLC
Stoneham - Operating

27.97

105162

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/1/2017	Bill	02012017	260.55	260.55		260.55
				Check Amount		260.55

Ferncroft Holdings, LLC
Stoneham - Operating

Check Copy 1

260.55

Ferncroft Holdings, LLC
DBA Ferncroft Country Club
8 Village Rd
Middleton, MA 01949Stoneham Bank
Stoneham, MA**105162**

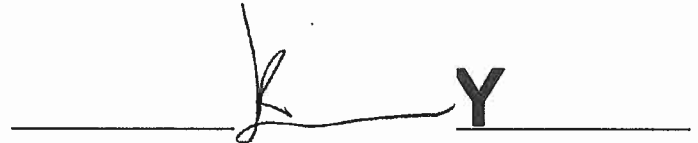
DATE	3/21/2017
AMOUNT	**260.55

Pay to the Order of M.E.L.D.
EXACTLY

Two Hundred Sixty and 55/100***** Dollars

M.E.L.D.
Middleton Municipal Electric Department
197 North Main St.
Middleton, MA 01949-1655

MEMO:

**105162**

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/1/2017	Bill	02012017	260.55	260.55		260.55
				Check Amount		260.55

Ferncroft Holdings, LLC
Stoneham - Operating

260.55

105163

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference
2/1/2017	Bill	02012017

Original Amt.
435.61

Balance Due
435.61

Discount

Payment
435.61

Check Amount

435.61

Ferncroft Holdings, LLC
Stoneham - Operating

Check Copy 1

435.61

Ferncroft Holdings, LLC
DBA Ferncroft Country Club
8 Village Rd
Middleton, MA 01949

Stoneham Bank
Stoneham, MA

105163

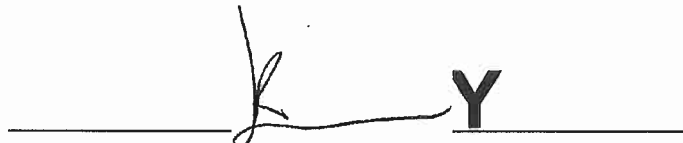
DATE 3/21/2017

AMOUNT **435.61

Pay to the Order of M.E.L.D.
EXACTLY

Four Hundred Thirty-Five and 61/100***** Dollars

M.E.L.D.
Middleton Municipal Electric Department
197 North Main St.
Middleton, MA 01949-1655



MEMO:

105163

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference
2/1/2017	Bill	02012017

Original Amt.
435.61

Balance Due
435.61

Discount

Payment
435.61

Check Amount

435.61

Ferncroft Holdings, LLC
Stoneham - Operating

435.61

105164

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference
2/1/2017	Bill	02012017

Original Amt.
24.63

Balance Due
24.63

Discount

Payment
24.63
24.63

Check Amount

Ferncroft Holdings, LLC
Stoneham - Operating

Check Copy 1

24.63

Ferncroft Holdings, LLC
DBA Ferncroft Country Club
8 Village Rd
Middleton, MA 01949

Stoneham Bank
Stoneham, MA

105164

DATE	3/21/2017
AMOUNT	**24.63

Pay to the Order of M.E.L.D.
EXACTLY

Twenty-Four and 63/100***** Dollars

M.E.L.D.
Middleton Municipal Electric Department
197 North Main St.
Middleton, MA 01949-1655



MEMO:

105164

NAME: M.E.L.D.

CHECK DATE: 3/21/2017

Date	Type	Reference
2/1/2017	Bill	02012017

Original Amt.
24.63

Balance Due
24.63

Discount

Payment
24.63
24.63

Check Amount

Ferncroft Holdings, LLC
Stoneham - Operating

24.63

1147

FERNCROFT HOLDINGS, LLC

PETTY CASH ACCOUNT
10 VILLAGE RD
MIDDLETON, MA 01949-1213

DATE 4/1/2017

53-7158-2113

PAY
TO THE
ORDER OF

Town of m Middleton
Two hundred

\$ 200.00

20/100

DOLLARS



Security Features
Included.
Details on Back.



FOR

#2474

Alice Cimanituelo

MP



Invoice

Number: 2474

Date: 2/14/2017

Bill To:

Ferncroft Holdings, LLC.
10 Village Rd.
Middleton, MA, 01949

Ship To:

Ferncroft Holdings, LLC.
10 Village Rd.
Middleton, MA, 01949

FIRE ALARM FEE

Box Number(s)

724 & 7241

Date	Description	Quantity	Price	Total
2/14/17	FIRE ALARM CONNECTION FEE	1.00	\$200.00	\$200.00
	July 1, 2016 to June 30, 2017		\$0.00	\$0.00

SubTotal \$200.00

0.00% on \$0.00 \$0.00

0.00% on \$0.00 \$0.00

Total \$200.00

0 - 30 days	31 - 60 days	61 - 90 days	> 90 days	Total
\$200.00	\$0.00	\$0.00	\$0.00	\$200.00

Town of Middleton Massachusetts



Special and Annual Town Meeting

Tuesday, May 9, 2017, 7:30 P.M.

Special Town Meeting Warrant and Annual
Town Meeting Warrant for Fiscal Year 2018

Meeting to be held at Howe Manning School Gymnasium
26 Central Street, Middleton, MA

Dedication to Retired Fire Chief Frank Twiss

Congratulations to the following recent retirees from Town service:

Ellen Best - Fuller Meadow School, Special Education Teacher

Elizabeth Boulanger - Howe Manning School, Principal

Bernie Creeden - Tri Town School Union, Superintendent of Schools

Christine Gunn - Tri Town School Union, Physical Therapist Assistant

Claudia Johnson - Flint Public Library, Reference Librarian

Mark Kelly - Middleton Electric Light Department, Director

Mary Pelrine - Tri Town School Union, Math/Science Curriculum Specialist

Sharon Stewart - Tri Town School Union, Assistant Superintendent of Student Support Services

Mary Thomas - Tri Town School Union, Intensive Needs Educational Specialist

We thank you for your outstanding dedication and service to the residents of Middleton.

Middleton Board of Selectmen

Timothy P. Houten, Chairperson

Rick Kassiotis, Secretary

Kosta E. Prentakis

Brian M. Cresta

Todd Moreschi

Andrew J. Sheehan, Town Administrator

Ryan Ferrara, Assistant Town Administrator

**TOWN OF MIDDLETON
SPECIAL TOWN MEETING
THE COMMONWEALTH OF MASSACHUSETTS
MAY 9, 2017**

ESSEX s.s.

To the Constable of the Town of Middleton in the County of Essex.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs, to meet at the Howe Manning School Gymnasium at 26 Central Street in said Middleton on Tuesday, May 9th, 2017, at 7:30 p.m., then and there to act on the following articles:

To transact any other business that may lawfully come before this meeting.

SPECIAL TOWN MEETING WARRANT ARTICLES

ARTICLE 1. On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$_____ to be used to fund the deficit incurred in the Department of Public Works (snow removal and winter road maintenance) budget; or take any other action relative thereto.

Purpose: This article will transfer funds to close the deficit in winter operations.

ARTICLE 2. On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$12,000 to restore funds to the Council on Aging revolving fund; or take any other action relative thereto.

Purpose: This article restores funds transferred from the Council on Aging revolving fund to meet the requirements of the Department of Revenue during completion of the FY17 recapitulation.

ARTICLE 3. On petition of the Finance Committee and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of

\$10,000 to supplement the Veteran's Service Officer, Veterans' Aid, budget; or take any other action relative thereto.

Purpose: This article provides supplemental funds to fulfill obligations to eligible veterans.

ARTICLE 4. On petition of the Board of Selectmen, to see if the Town will vote to raise and appropriate, transfer between and among various accounts, or transfer from available funds to supplement the Fiscal Year 2017 operating budgets; or take any other action relative thereto.

Purpose: This article is to transfer funds and supplement monies, if necessary, to meet departmental expenses in the current fiscal year.

End of Special Town Meeting Warrant.

COMMUNITY PRESERVATION PLAN TOWN OF MIDDLETON MARCH 27, 2017

The voters of Middleton adopted the Community Preservation Act (CPA) with a 1% surcharge at Town Meeting in May 2004 and at the ballot on November 2, 2004.

The Community Preservation Committee (CPC) was authorized by the Annual Town Meeting in May 2004 with the Town Moderator as the appointing authority. The members are:

Timothy Houten, Board of Selectmen, 2019
Robert Murphy, Master Plan Committee, 2018
Steven Cocciardi, Finance Committee, 2019
Anthony Tierno, Planning Board, 2018
Ilene Twiss, Housing Authority, 2017
VACANT, Conservation Commission, 2019
VACANT, Historical Commission, 2017
Mary Ann Erickson, Citizen-at-large, 2018
Kosta Prentakis, Citizen-at-large, 2017

The CPA requires at least 10% of each year's funds be spent or reserved for open space, historic preservation and affordable housing. CPA funds that are not expended in one year may be carried over to subsequent years. However, once CPA funds are reserved for a specific purpose, they must ultimately be used for that purpose. The remaining 70% of CPA funds in each fiscal year are available to be appropriated or reserved, according to the Town's discretion, for open space, historic preservation, affordable housing and recreation. Also 5% of annual CPA funds may be appropriated and used for administrative activities of the Community Preservation Committee.

The CPC is primarily a source of funding, rather than an initiator of projects. Town Boards, Departments and citizens may bring proposals for funding to the CPC. The CPC will give favorable consideration to those proposals that best meet our guidelines and goals. While the CPC does not have the power to appropriate funds for particular projects, Town Meeting may use CPA funds only with the recommendation of the CPC.

Goals:

Open Space:

1. Preserve Middleton's small town image
2. Protect valuable water resources and unique wildlife habitat areas
3. Increase and connect existing protected areas
4. Protect large tracts of undeveloped land

Recreation:

1. Provide for better recreational utilization of currently town owned land and facilities
2. Decentralize appropriate activities to neighborhood locations

Historic Preservation:

1. Preservation and enhancement of municipally owned properties of historical, archeological, architectural or cultural significance
2. Acquisition of threatened properties of particular historical, archeological, architectural or cultural significance
3. Encouraging the private sector to preserve assets of historical, archeological, architectural or cultural or cultural significance
4. Cataloguing resources of historical, archeological, architectural or cultural or cultural significance

Affordable Housing:

1. Meet local housing needs along the full range of incomes, while promoting diversity and stability of individuals and families in Middleton
2. Ensure that new affordable housing is harmonious with the community and its neighborhood
3. Leverage other public and private resources to the greatest extent possible.

Selection Criteria:

1. Consistency with Master Plan, Open Space and Recreation Plan and other planning documents that have or will receive wide community scrutiny and input
2. Preservation of currently owned Town assets
3. Affordability and provision for cost/funding that is compatible with the Town's financial plan
4. Preservation of a resource or opportunity that would otherwise be lost
5. Feasibility
6. Involvement of multiple CPA purposes
7. Involvement of multiple sources of funding
8. Compliance with Middleton Zoning By-laws

Adopted by the Community Preservation Committee on March 27, 2017.

**TOWN OF MIDDLETON
ANNUAL TOWN MEETING
THE COMMONWEALTH OF MASSACHUSETTS
MAY 9, 2017**

ESSEX s.s.

To the Constable of the Town of Middleton in the County of Essex:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs, to meet at the Howe Manning School Gymnasium, 26 Central Street in said Middleton on Tuesday, May 9th, 2017 next, at 7:45 p.m., then and there to act on the following articles:

To transact any other business that may lawfully come before this meeting.

ANNUAL TOWN MEETING WARRANT ARTICLES

ARTICLE 1. To hear and act on Committee Reports:

School Committee
Finance Committee
Master Plan Committee
Other Committees

ARTICLE 2. On petition of the Treasurer, to see if the Town will vote to authorize the Town Treasurer with the approval of the Selectmen to borrow money from time-to-time in anticipation of the revenue of the financial year beginning July 1, 2017 in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 17; or take any other action relative thereto.

ARTICLE 3. On petition of the Board of Selectmen acting in the capacity of the Personnel Board, to see if the Town will vote to set the salaries of elected officials and amend the Town Consolidated Personnel Plan SECTION 7.08 as follows; or take any other action relative thereto:

ARTICLE 4. On petition of the Finance Committee and Board of Selectmen, see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a certain sum to fund the Omnibus Budget for Fiscal Year 2018; or take any other action relative thereto.

Purpose: This article requests approval of the Town operating budget for the coming fiscal year.

ARTICLE 5. On petition of the Board of Selectmen and Community Preservation Committee, to see if the Town will vote to appropriate or reserve from the Community Preservation Fund annual revenues or available funds the amounts recommended by the Community Preservation Committee for debt service, and community preservation projects and other expenses in Fiscal Year 2018 with each item to be considered a separate appropriation; or take any other action relative thereto.

Proposed Fiscal Year 2018 Community Preservation Budget

The Community Preservation Committee recommends that the following amounts be appropriated or reserved from Fiscal Year 2018 Community Preservation Fund Revenues, unless otherwise specified for Fiscal Year 2018 Community Preservation Purposes with each item considered to be a separate appropriation:

<u>Purpose</u>	<u>Recommended Amount</u>	<u>Funding Source</u>
A) Reserves: Open Space	\$24,465	FY 2018 Estimated CPA Receipts
Reserves: Historic Resources	\$24,465	FY 2018 Estimated CPA Receipts
Reserves: Community Housing	\$24,465	FY 2018 Estimated CPA Receipts
 B) Flint Library Debt Service	 \$53,360	 \$24,796 from Historic Resources Reserve and \$28,564 from Fund Balance
 C) 11 South Main St. Debt Service	 \$42,425	 \$24,796 from Open Space Reserve and \$17,629 from Fund Balance
 D) CPA Committee Admin. Expenses	 \$1,100	 From Fund Balance
 Community Preservation Total	 \$170,280	

Purpose: Each year the Town Meeting must appropriate or reserve for future appropriation at least 10% of the estimated annual fund revenues for acquisitions and initiatives in each of the following three categories of allowable community preservation purposes:

Open space (excluding recreational uses)
Historic resources
Community housing

The term “annual fund revenues” in Fiscal Year 2018 are estimated at \$213,440 and is composed of the estimated receipts from the local surcharge of \$191,360 and monies from the State Trust Fund, which will make its thirteenth payment in October of 2017 providing an additional estimated \$22,080 in matching funds based upon the local share raised in FY 2017.

ARTICLE 6. On petition of the Board of Selectmen to see if the Town will vote to re-authorize the following revolving funds under Massachusetts General Laws Chapter 44, Section 53E ½:

1. The Firearms License and Permit Revolving Fund for firearm permit issuance expenses, and the purchase of equipment and technology associated with the implementation of Chapter 180 of the Acts of 1998 and to further authorize the expenditure of not more than \$15,000 of such fees.
2. The Council on Aging Revolving Fund into which monies collected for programs, activities and trips shall be deposited for use by the Council on Aging to pay any costs related to such programs, activities and trips and further to authorize the expenditure of not more than \$35,000 for said purposes.
3. The Recreation Revolving Fund into which monies collected for programs, activities and trips shall be deposited for use by the Recreation Commission to pay any costs related to such programs, activities and trips and further to authorize the expenditure of not more than \$55,000 for said purposes.
4. The Recreation Field Use Revolving Fund into which monies collected for field use permits shall be deposited for use by the Superintendent of Public Works to pay costs related to field maintenance and improvements, and further to authorize the expenditure of not more than \$25,000 for said purposes.
5. The Stormwater Management Revolving Fund into which monies collected for permits, fees, fines, and contributions shall be deposited for use by the Superintendent of Public Works under the direction of the Town Administrator for the design and construction of storm water improvement projects, and further to authorize the expenditure of not more than \$25,000 for said purposes.

Or take any other action relative thereto.

ARTICLE 7. On petition of the Town Accountant/Chief Financial Officer, to see if the town will vote to amend the general by-laws by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies, or officers under Massachusetts General Laws Chapter 44, § 53E½; or take any other action relative thereto.

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
 - a. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
 - b. No liability shall be incurred in excess of the available balance of the fund.
 - c. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds. The Table establishes:
 - a. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
 - b. The department or agency head, board, committee or officer authorized to spend from each fund,
 - c. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,
 - d. The expenses of the program or activity for which each fund may be used,
 - e. Any restrictions or conditions on expenditures from each fund;
 - f. Any reporting or other requirements that apply to each fund, and
 - g. The fiscal years each fund shall operate under this by-law.

Purpose: This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of

those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E1/2.

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee Agency or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Restrictions or Conditions on Expenses Payable from Fund	<u>F</u> Other Requirements/Reports	<u>G</u> Fiscal Years
Firearms License and Permits	Police Chief	Firearm licenses and permit revenues	Firearm permit issuance expenses, purchase of equipment and technology associated with the implementation of Chapter 180 of the Acts of 1998			Fiscal Year 2019 and subsequent years
Council on Aging	Council on Aging Director	Fees from programs, activities and trips sponsored by the Council on Aging	Expenses related to said programs, activities and trips sponsored by the Council on Aging			Fiscal Year 2019 and subsequent years
Recreation	Recreation Commission	Fees from programs, activities and trips sponsored by the Recreation Commission	Expenses related to said programs, activities and trips sponsored by the Recreation Commission			Fiscal Year 2019 and subsequent years
Recreation Field Use	Superintendent of Public Works	Field use permits	Expenses related to field maintenance and improvements			Fiscal Year 2019 and subsequent years
Stormwater Management	Superintendent of Public Works under direction of Town Administrator	Permits, fees, fines, and contributions related to stormwater management	Expenses related to the design and construction of storm water improvement projects			Fiscal Year 2019 and subsequent years

ARTICLE 8. On petition of the Town Accountant, to see if the Town will vote to appropriate \$102,600 from Sewer Enterprise receipts to pay expenses and contractual services required to operate the Sewer Enterprise Fund; or take any other action relative thereto.

Motion: That the following sums be appropriated for the sewer enterprise.

Direct Costs

SESD Assessment	\$100,000
Expenses	100
Extra/Unforeseen	2,500
Total Direct Costs:	\$102,600

Indirect Costs *

Salaries and Wages	\$4,320
Insurance & Benefits	1,022
Total Indirect Costs:	\$5,342

Total FY2018 Budget \$107,942

**(to be raised and appropriated in the General Fund Operating Budget)*

and that in order to meet such appropriation, the Town shall raise the sum of \$102,600 or any other sum from the Sewer Enterprise Revenues.

ARTICLE 9. On petition of the Board of Assessors and Board of Selectmen, to see if the Town will vote to adopt Section 51 of Chapter 184 of the Acts of 2002 and to increase the amount of the exemptions set forth in Section 51 of taxable valuation to \$8,000 or the sum of \$1,000.00, whichever would amount in an exemption of the greater amount of taxes due, said acceptance to take effect in Fiscal Year 2018; or to take any other action thereon.

Purpose: On October 29, 2002, at the Special Town Meeting, there were three different articles presented on changes with the Clause 41C exemption program for older taxpayers with limited income and assets. At that time two of the three options were passed. The qualifying age was lowered to 65 and the asset and income limits were raised. The Board of Assessors did not support increasing the exemption amount in FY 2003 until the impact was known from the other changes in eligibility requirements.

On May 11, 2004, at the Annual Town Meeting, an article was presented and passed that increased the amount of the exemption to \$6,000 of taxable valuation or the sum of \$750.00 beginning in Fiscal Year 2005.

The proposed increased exemption will have a minimal impact on the town levy as demonstrated below by the past three years actual 41C exemption totals and the additional amount that would have been exempted with the passing of this proposed article.

Year	# of Exemptions	Total Exempted	Add'l Exemption Amount
FY 2014	16	\$12,000	\$4,000
FY 2015	15	\$11,250	\$3,750
FY 2016	14	\$10,500	\$3,500
FY 2017	12*	\$9,000	\$3,000

*applications received and granted as of March 7, 2017

There is no increase in state re-imbursement available for these potential exemption increases.

ARTICLE 10. On petition of the Board of Selectmen and Middleton School Committee, to see if the Town will vote to accept provisions of Chapter 218 of the Acts of 2016 ("An Act Modernizing Municipal Finance and Government"), Section 24, which amends M.G.L. c. 40 by inserting section 13E, to allow the Town/Middleton School Committee to establish a reserve fund to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-district tuition, or transportation; or take any action relative thereto.

Purpose: The May 10, 2016 Annual Town Meeting approved of a warrant article (Article 48) authorizing the Board of Selectmen to file special legislation with the General Court of the Commonwealth of Massachusetts to establish a Special Education (SPED) Reserve Fund. The Municipal Modernization Act, enacted in August 2016, included language allowing municipalities to establish a SPED reserve fund. The purpose of this warrant article is allow the Town to accept provisions of Chapter 218 of the Acts of 2016 ("An Act Modernizing Municipal Finance and Government"), Section 24, to establish a SPED Reserve Fund.

ARTICLE 11. On petition of the Board of Selectmen, Town Moderator, and Town Clerk, to see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for special legislation in the form set forth below amending the Town Charter to change the term of the Moderator from one year to three years and to hold the annual town election on the Tuesday following the second Tuesday in May, as follows:

Notwithstanding any general or special law to the contrary and in accordance with Article LXXXIX, Article II, Section 8 (M.G.L.A. Const. Amend. Art. 2, Section 8) of the Articles of Amendment to the Constitution of the Commonwealth, that the Town of Middleton authorize,

but not require, its Board of Selectmen to petition the General Court of Massachusetts for a special act to modify the following sections of the Town Charter by deleting the language shown in ~~strikethrough~~ and inserting the words in **underline and bold**:

- A. 2-5-1 A Moderator shall be elected for a ~~one~~ **three** year term at the regular election of Town officials. He/**she** shall not hold any other office or accept Town employment during the term for which he/**she** is elected.
- B. 3-1-1 The regular election for all Town offices shall be by official ballot held on the ~~Monday~~ **Tuesday** following the second Tuesday in May of each year.

Provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition; or take any action relative thereto.

Purpose: This article proposes two amendments to the Town Charter. Charter changes require approval of the Legislature.

-) Under the Middleton Charter, the Moderator is the only position with a one-year term. This requires that the Moderator stand for election annually. Item A proposes to change the term of the Moderator from one year to three years.
-) The Charter requires that the annual election be held on the Monday following the second Tuesday in May. Holding elections on a Monday presents some logistical issues. Moving the election from Monday to Tuesday provides a work day for final preparations and a day to send out reminders. The Town Clerk supports changing the day of the annual election to the Tuesday following the second Tuesday in May.

Master Plan Committee Recommendation: The Master Plan Committee voted unanimously 5-0 to recommend approval of this article.

ARTICLE 12. On petition of the Board of Selectmen and Town Clerk, to see if the Town will vote to amend Chapter 56, Meetings, by deleting the words shown in ~~strikethrough~~ and inserting the words in **underline and bold**; or take any other action relative thereto:

56-2 Appropriations and other business.

That part of the Annual Town Meeting for the purpose of taking action on appropriations and all other business of the Town (except elections) such as may legally come before such meeting shall be held on the Tuesday next preceding the Annual Town Meeting for the election of officers at ~~7:30 p.m.~~ **7:00 p.m.**

56-3 Hours for Special Town Meetings.

No Special Town Meeting shall be called to assemble earlier than ~~7:30 p.m.~~ **7:00 p.m.** nor later than 9:00 p.m.

Purpose: This article would authorize Annual or Special Town Meetings to begin at 7:00 p.m. Currently, Town Meetings cannot begin earlier than 7:30 p.m.

Master Plan Committee Recommendation: The Master Plan Committee voted unanimously 5-0 to recommend approval of this article.

ARTICLE 13. On petition of the Board of Selectmen and the Master Plan Committee, to see if the Town will vote to:

1. Authorize the permanent dedication to active recreational purposes of the Natsue Way Recreation Area, Assessors map 32, parcels 6B, 6C, and portions of parcels 6A and 10, consisting of 35 acres, more or less, as shown on a plan entitled "Natsue Way Recreational Complex", made by Langdon Environmental, dated March 2017, in accordance with Massachusetts General Law Chapter 45, Section 3;
2. Authorize the Board of Selectmen to act as Park Commissioners pursuant to Massachusetts General Law Chapter 45, Section 2;
3. Appropriate and authorize the Treasurer with the approval of the Board of Selectmen to borrow the sum of \$_____, for the purpose of improving for recreational purposes said land, including the payment of costs incidental or related thereto; subject to the award of a grant in an amount up to \$400,000 of project costs from the proceeds of the PARC (Parkland Acquisitions and Renovations for Communities) grant;
4. Authorize the Board of Selectmen to file, on behalf of the Town of Middleton, any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the PARC (Parkland Acquisitions and Renovations for Communities) grant;
5. To authorize the Board of Selectmen to enter into all agreements and contracts and execute any and all instruments as may be necessary or convenient on behalf of the Town of Middleton to effectuate said project; and
6. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Or take any other action relative thereto.

Purpose: This article would authorize the development of the Natsue Way Recreational Project and authorize the borrowing of funds to develop the project. Approval is also contingent on passage of a Proposition 2 ½ debt exclusion at the May 15, 2017 Annual Election.

Planning Board Recommendation: Pending

Master Plan Committee Recommendation: The Master Plan Committee voted unanimously 5-0 to recommend approval of this article.

ARTICLE 14. On petition of the Town Treasurer, to see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action relative thereto.

Purpose: Currently bond premiums, net of issuance costs, are general fund revenues. Acceptance of this article will allow the town to choose to use bond premiums to pay project costs thereby reducing the amount needed to be borrowed which reduces interest costs and thereby the impact on the debt service budget and the taxpayer.

ARTICLE 15. On petition of the Treasurer, to see if the town will vote to rescind the authority to borrow from prior years' authorizations the amounts remaining with regard to any numbered prior Annual and/or Special Town Meeting Warrant Articles; or take any action relating thereto.

Purpose: Town Meeting authorizes the Treasurer to issue debt for various purposes. In certain cases, the amount borrowed is greater than the amount needed for the particular purpose. This article authorizes the Treasurer to rescind this unneeded borrowing authority. The total amount is \$5,892,610.

Amount Rescinded	Article	Date	Annual Town Meeting or Special Town Meeting	Purpose
\$50,000	Article 6	5/13/2003	Annual Town Meeting	Water mains
\$956,061	Article 39	5/10/2005	Annual Town Meeting	Flint Public Library
\$4,266,549	Article 15	5/12/2009	Annual Town Meeting	Elementary school construction
\$170,000	Article 3	11/29/2011	Special Town Meeting	Howe-Manning School construction
\$450,000	Article 22	5/10/2016	Annual Town Meeting	River Street water main extension

ARTICLE 16. On petition of the Board of Selectmen, to see if the Town will vote to enter into a tax increment financing (TIF) agreement with RemPhos Technologies with respect to certain lands and buildings located at Log Bridge Road; or take any other action relative thereto.

Purpose: This article would authorize the Board of Selectmen to execute an agreement with RemPhos Technologies that would reduce the tax on property located at Log Bridge Road. The deferred tax revenues would be partially offset by in-kind contributions consisting of streetlights.

Master Plan Committee Recommendation: The Master Plan Committee voted unanimously 5-0 not to make a recommendation on this article due to insufficient information.

ARTICLE 17. On petition of the Board of Selectmen, to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, a parcel of land associated with the Curtis Mill, so called, located off Mill Street and Peabody Street, and shown as Parcel 17Z on Assessors Map 12, and owned by the Town of Danvers; or take any other action relative thereto.

Master Plan Committee Recommendation: The Master Plan Committee voted unanimously 5-0 to recommend approval of this article with the understanding that the word “purchase” will be stricken from the article.

Purpose:

ARTICLE 18. On petition of ten or more registered voters: We, the undersigned, are resident/owners who urge our appropriate Boards to take such actions resulting in an article on the Annual Town Warrant in May 2017 with a positive recommendation that Masi Meadow Lane be accepted as a Town Street.

Planning Board Recommendation: Pending

Master Plan Committee Recommendation: The Master Plan Committee _____.

ARTICLE 19. On petition of the Board of Selectmen, to see if the Town will vote to amend the Middleton Zoning Bylaw by adding a new Section 6.8 to read as follows:

6.8 Marijuana Establishment Temporary Moratorium

6.8.1 Definition

"Marijuana", "Marijuana Establishment", "Marijuana Product", "Marijuana Retailer" shall have the meaning as set forth in the "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed Act of 2016."

6.8.2 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the "Act"), regulating the control and production and distribution of marijuana under a system of licenses and regulations. This Act was revised by Chapter 351 of the Acts of 2016, which added 6 months to the timeline for implementation of legalized retail marijuana. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The deadline for the Cannabis Control Commission to adopt initial regulations is March 15, 2018, according to the new deadlines contained in Chapter 351 of the Acts of 2016. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

6.8.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town of Middleton hereby adopts a temporary moratorium on the use of land or structures for "Marijuana", Marijuana Establishment", "Marijuana Product", and" Marijuana Retailer". The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana", Marijuana Establishment", "Marijuana Product", and" Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

In the event that the Cannabis Control commission has not issued initial regulations by January 1, 2018, the moratorium period shall be extended to June 30, 2019 to ensure the careful review of the issues outlined above.

Or take any other action relative thereto.

Purpose: The Board of Selectmen is requesting that the Zoning Bylaw be amended to allow for a temporary moratorium on sellers of recreational marijuana. As laid out in the initiative passed on November 8, 2016, and revised by Chapter 351 of the Acts of 2016, the Cannabis Control Commission must set forth regulations on the sale and use of recreational marijuana by March 15, 2018 and licenses for selling marijuana will not be issued until July 1, 2018. However, the use of recreational marijuana became legal December 15, 2016. Due to this lag time, the Town is seeking a temporary moratorium on the sale of recreational marijuana so that appropriate officials can await guidance from the state on the various rules and regulations that will eventually be determined by the Cannabis Advisory Board. This moratorium will expire on June 30, 2018, but will be extended to June 30, 2019 if the Cannabis Control Commission does not issue initial regulations by January 1, 2018. It is anticipated that the Town will repeal the temporary moratorium and replace it with an applicable zoning bylaw that reflects the future regulations once they are issued.

Planning Board Recommendation: Pending

Master Plan Committee Recommendation: The Master Plan Committee voted unanimously 5-0 to recommend approval of this article.

ARTICLE 20. On petition of ten or more registered voters: To see if the Town will vote to amend the Middleton General Bylaws by adding a new General Bylaw Chapter 201 to read as follows as follows:

ARTICLE XX: Amend General Bylaws – Marijuana Not Medically Prescribed

To see if the Town will vote to amend the General Bylaws of the Town of Middleton by adding a new General Bylaw Chapter 201 as follows: Chapter 201 - Marijuana Not Medically Prescribed Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Middleton.

Or take any other action thereon.

Citizens' Petition Statement – This Article would amend the Town's General Bylaws to prohibit all types of commercial, non-medical marijuana establishments as allowed by the petitioned ballot question approved in November 2016. Due to the manner in which the petitioned ballot question was worded, this question appeared on the Town Election ballot as well and is being voted on as both a General and Zoning Bylaw. The motion for this article is a simple majority vote.

Planning Board Recommendation: Pending

Master Plan Committee Recommendation: The Master Plan Committee recommends with a vote of 4 in favor, 0 opposed, and 1 abstention to approve this article.

ARTICLE 21. On petition of ten or more registered voters: To see if the Town will vote to amend the Middleton General Bylaws by adding a new Zoning Bylaw Section 6.8 to read as follows:

ARTICLE XX: Amend Zoning Bylaws – Marijuana Not Medically Prescribed

Section 6.8 - Marijuana Not Medically Prescribed

Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Middleton.

Or take any other action thereon.

Citizens' Petition Statement – This Article would amend the Town's Zoning Bylaws to prohibit all types of commercial, non-medical marijuana establishments as allowed by the petitioned ballot question approved in November 2016. Due to the manner in which the petitioned ballot question was worded, this question appeared on the Town Election ballot as well and is being voted on as both a General and Zoning Bylaw. The motion for this article is a 2/3 majority vote.

Planning Board Recommendation: Pending

Master Plan Committee Recommendation: The Master Plan Committee recommends with a vote of 4 in favor, 0 opposed, and 1 abstention to approve this article.

ARTICLE 22. On petition of the Board of Selectmen, to see if the Town will vote to authorize the Board of Selectmen to dispose of real property on Locust Street shown as lots Map 20, Lot 27Z; Map 14, Lot 52; and, Map 14, Lot 3Z at terms and conditions determined by the Board of Selectmen to be in the best interests of the Town; or take any other action relative thereto.

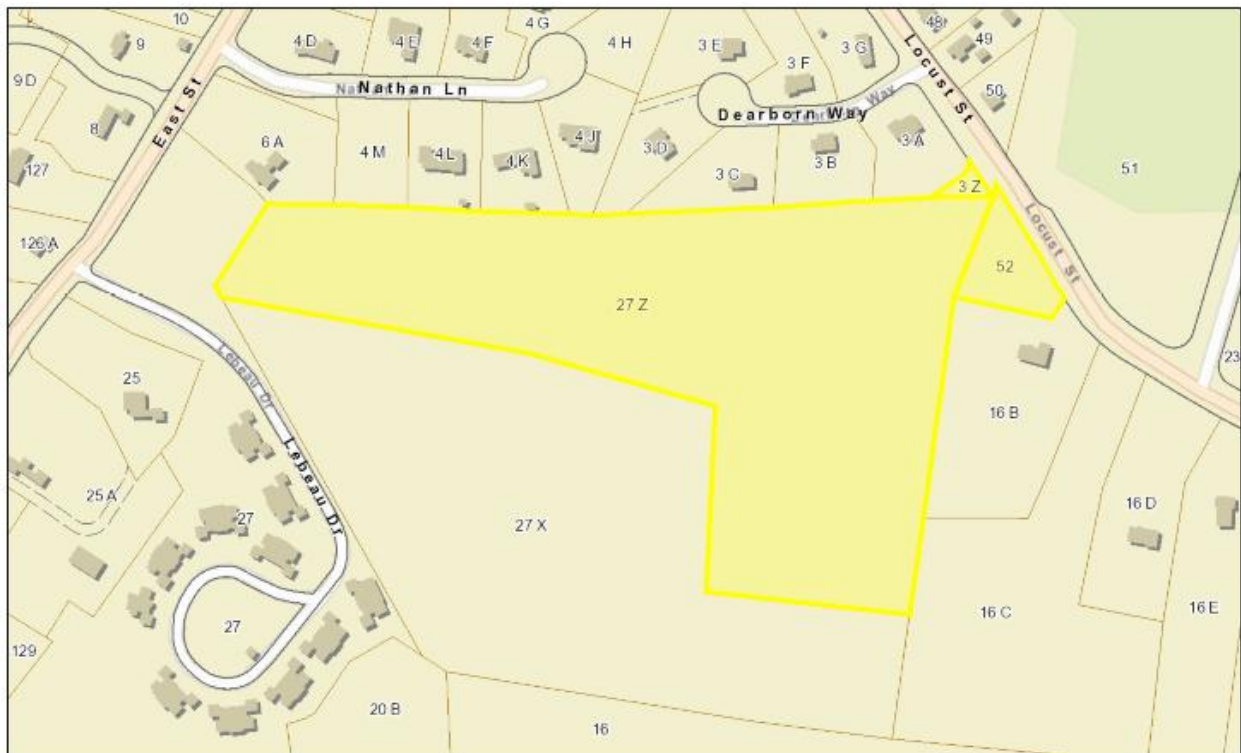
Town owned parcels outlined below:

- 1) Map 20, Lot 27Z – 17.41 acres
- 2) Map 14, Lot 52 – 0.748 acres
- 3) Map 14, Lot 3Z – 0.114 acres

Planning Board Recommendation: Pending

Master Plan Committee Recommendation: The Master Plan Committee voted 4-1 in favor of recommending approval of this article.

Map of Locust Street Parcels



ARTICLE 23. On petition of the Electric Light Commissioners, to see if the Town will vote to accept a sum of money from the earnings of the Electric Light Department, said sum to be used for the reduction of taxes; or take any other action relative thereto.

ARTICLE 24. On petition of the Electric Light Commissioners, to see if the Town will vote to authorize the appropriation of all income of the Municipal Light Department, the whole to be expended by the Manager thereof under the direction and control of the Commissioners, for the expenses of the Department for the Fiscal Year as defined in Section 57 of Chapter 164 of the General Laws of the Commonwealth, and the excess to be transferred to the Depreciation Fund of said Department to be used as the Commissioners may direct hereto; or take any other action relative thereto.

ARTICLE 25. On petition of the Superintendent of Public Works, to see if the Town will vote to raise and appropriate such sums of monies as may be received from the Commonwealth of Massachusetts for the fiscal year commencing July 1, 2017 to install drainage, widen, pave, and otherwise improve any public way in accordance with the provisions of Section 34 of Chapter 90 of the Massachusetts General Laws; or take any other action relative thereto.

ARTICLE 26. On petition of the Superintendent of Public Works and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$273,500 to pay for the following Public Works capital improvements; or take any other action relative thereto:

-) \$11,000 to replace a 61" riding mower;
-) \$8,500 to replace a flail mower;
-) \$9,000 for building and deck repairs at the transfer station;
-) \$7,000 to replace roll-off containers at the transfer station;
-) \$73,000 to replace a 1-ton dump truck;
-) \$100,000 for paving and road improvements;
-) \$65,000 for studies and upgrades to improve water pressure on Lakeview Avenue.

ARTICLE 27. On petition of the Police Chief and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$74,200 to pay for the following Police Department capital improvements; or take any other action relative thereto:

-) \$8,000 to purchase cruiser radios;
-) \$3,900 to purchase radar guns;
-) \$33,000 for portable radio upgrades;
-) \$12,000 to replace cruiser laptop computers;
-) \$1,400 to purchase patrol rifles;

) \$15,900 to upgrade pistols.

ARTICLE 28. On petition of the Fire Chief and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$199,400 to pay for the following Fire Department capital improvements and one-time expenses; or take any other action relative thereto:

-) \$8,000 to replace fire hoses;
-) \$16,000 to purchase Car 1 command post equipment;
-) \$11,000 to purchase two intravenous pumps;
-) \$10,000 to replace the garage door on the Fire Station;
-) \$20,000 for building repairs and interior and exterior painting;
-) \$17,000 to purchase a turnout gear washer/dryer;
-) \$40,000 to replace Car 2;
-) \$35,000 to outfit the E6 forestry truck;
-) \$26,000 to cover shifts for military call-up;
-) \$16,400 to send a firefighter to the Massachusetts Firefighting Academy.

ARTICLE 29. On petition of the Middleton School Committee and School Superintendent, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$317,792 to pay for the following elementary school capital improvements; or take any other action relative thereto:

Fuller Meadow School;

-) \$25,000 to purchase a digital projector, speaker system, and screen;
-) \$23,100 to purchase 70 Chromebooks with licenses and service;
-) \$4,980 to purchase 4 Chromebook carts;
-) \$10,991 to purchase 29 iPads;
-) \$138 to purchase 2 document cameras;
-) \$13,000 to purchase library furniture;
-) \$36,750 to purchase new science curriculum;
-) \$101,358 to purchase a building security system.

Howe Manning School:

-) \$29,700 to purchase 90 Chromebooks with licenses and service;
-) \$6,225 to purchase 5 Chromebook carts;
-) \$66,550 to purchase new science curriculum.

ARTICLE 30. On petition of the Middleton School Committee and School Superintendent, to see if the Town will vote to repurpose the sum of \$22,000 approved under Article 28 of the May

10, 2016 Annual Town Meeting and to use said funds to purchase student information management software; or take any other action relative thereto.

Purpose: Article 28 of the May 10, 2016 Annual Town Meeting appropriated \$22,000 to fund Middleton's share of the purchase of accounting/human resources software. The district used grant funds to purchase the accounting/human resources software. This article would repurpose the previously appropriated funds.

ARTICLE 31. On petition of the Masconomet School Committee and School Superintendent, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$179,580 to pay for Middleton's share of regional school capital improvements consisting of a VOIP phone and paging system; upgrade of fire suppression system panels; installation of interior signage; replacement and upgrade of solar powered traffic speed zone signs; and interim replacement and upgrade of security system; or take any other action relative thereto.

ARTICLE 32. On petition of the Essex North Shore Agricultural & Technical School Committee and School Superintendent, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$10,907 to pay for Middleton's share of regional school capital debt; or take any other action relative thereto.

ARTICLE 33. On petition of the Town Administrator and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$72,000 to pay for the following capital improvements at Memorial Hall and the Council on Aging/Old Town Hall; or take any other action relative thereto:

-) \$62,000 to replace a van for the Council on Aging;
-) \$10,000 to replace first floor windows at Memorial Hall.

ARTICLE 34. On petition of the Town Administrator and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$116,450 to pay for the following capital improvements and one-time expenses for the Administration; or take any other action relative thereto:

-) \$34,450 for information technology improvements;
-) \$55,000 for an update to the Master Plan;
-) \$10,000 to pay for training, seminars, and professional development activities of Town employees;
-) \$17,000 to replace voting tabulators in the Town Clerk's Office.

Master Plan Recommendation: The Master Plan Committee voted unanimously 5-0 to recommend approval of this article.

ARTICLE 35. On petition of the Historical Commission and Board of Selectmen, to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$6,900 to pay for the following Historical Commission capital improvements; or take any other action relative thereto:

-) \$4,900 for improvements at the Curtis Saw Mill property;
-) \$2,000 for a historical marker at Mill Pond Dam property.

ARTICLE 36. On petition of the Treasurer, to see if the Town will vote, pursuant to the provisions of Massachusetts General Law Chapter 40, Section 58, to impose Municipal Charges Liens on real property located within the Town of Middleton related to the following Town charges:

- A. License, permit, inspection, re-inspection, court filing and court related fees as set forth by each department and amended from time to time;
- B. Dog fees as set forth by Massachusetts General Law or a Town department and amended from time to time;
- C. Insufficient (bounced) check fees as set forth by each department and amended from time to time; and
- D. Unpaid and non-contested noncriminal disposition charges as set forth by each department and amended from time to time,

By adding such charges to the tax on the property to which they relate, in the manner provided by said statute; or take any other action relative thereto.

Purpose: Adoption of this article allows the Town to lien unpaid charges and show unpaid charges on property tax bills.

ARTICLE 37. To see if the town will vote to accept the provisions of Massachusetts General Law Chapter 40U, Sections 1 – 18 inclusive for the purpose of imposing a lien on real property for any unpaid fines issued in accordance with the state Sanitary Code, 105 CMR 410.000, et. Seq.; or take any other action relative thereto.

Purpose: Adoption of this article allows the Town to lien unpaid fines and show unpaid fines on property tax bills.

ARTICLE 38. On petition of ten or more registered voters to see if the Town will vote to amend the Middleton Planning Board Bylaws, Chapter 245, “Special Permits” adding the words shown in **bold underline**.

245-3. Hearing and Notice; decision

- A. Upon receipt of the application and supporting plans, the Board will conduct a public hearing within 65 days. Notice of such hearing shall be given in each of two successive weeks by advertisement in a newspaper of general circulation in the Town prior to such hearing. The Board shall notify the abutters by certified mail **at least 14 days prior to the scheduled hearing**. Whenever possible the Board will schedule the public hearing on the special permit application and the definitive plan at the same meeting. The Board may approve, disapprove or approve with appropriate safeguards and conditions.

Purpose: To provide a reasonable time frame for notification to abutters.

Planning Board Recommendation: Pending

Master Plan Committee Recommendation: The Master Plan Committee unanimously voted to make no recommendation on this article because it proposes to amend the Planning Board rules for special permits that under state law only the special permit granting authority shall amend.

ARTICLE 39. On petition of ten or more registered voters to see if the Town will vote to amend the Middleton General Bylaws, Chapter 56: Meetings, by adding the following section shown below.

S. 56-9. All meetings of the following committees shall be broadcast: Board of Assessors, Board of Selectmen, Board of Health, Conservation Commission, Elementary School Committee, Regional School Committee, Finance Committee, Master Plan Committee, Planning Board, and Zoning Board of Appeals. If a meeting cannot be broadcast live, the meeting shall be video recorded and aired on the Public Cable Access Channel and made available on the Town website within 2 business days of the meeting. This provision shall not apply to special advisory committees.

Purpose: To ensure transparency of town government activities and to provide current information to citizens in a timely manner.

Planning Board Recommendation: Pending

Master Plan Committee Recommendation: The Master Plan Committee voted 4-1 to make no recommendation on this article due to lack of information regarding the costs associated with the proposal.

ARTICLE 40. On petition of ten or more registered voters to see if the Town will vote to amend the Middleton Zoning Bylaws, Section 2.4 “Boundaries of Districts” adding the words shown in **bold underline** and deleting the words in ~~striketrough~~ below.

- 1.4.5. Lot split by district lines. Where a district boundary line between a residential, business and/or manufacturing district divides any lot existing at the time such line is adopted, the regulations for **each portion shall not extend beyond the boundary line**. ~~the less restrictive portion of such lot shall extend no more than 30 feet into the more restricted portion, provided the lot has frontage on a public way in the less restricted districted.~~

Purpose: To prevent encroachment of one Zoning District into another Zoning District.

Planning Board Recommendation: Pending

Master Plan Committee Recommendation: The Master Plan Committee voted 3 in favor, 2 opposed to make no recommendation on this article due to the lack of sufficient information to make an informed decision.

ARTICLE 41. Citizens Petition submitted by Joseph O’Grady and ten registered voters:

To see if the Town will vote to petition the General Court to the end that legislation be adopted precisely as it appears below. The General Court may make clerical or editorial changes of form only to the bill unless the Board of Selectmen approves amendments to the Bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action thereon.

AN ACT AUTHORIZING THE TOWN OF MIDDLETON TO GRANT TWO (2) ADDITIONAL ALL
ALCOHOL LIQUOR LICENSES NOT TO BE DRUNK ON THE PREMISES

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Middleton may grant two additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other person, corporation or organization for a period of 3 years from the date of original issuance or to any other location; provided, however, that after the expiration of such period the licensing authority may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a

letter from the department of unemployment assistance indicating that the license is in good standing with those entities and that all applicable taxes, fees and contributions have been paid.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Master Plan Committee Recommendation: The Master Plan Committee voted 4 in favor, 0 opposed, 1 abstention to not recommend the approval of this article.

ARTICLE 42. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to transfer a sum of money from Free Cash to apply to and reduce the Fiscal Year 2018 Tax Rate; or take any other action relative thereto.

ARTICLE 43. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$50,000 to the Stabilization Fund; or take any other action relative thereto.

Purpose: The Stabilization Fund is a reserve fund used to set aside funds to be expended at a later date for capital acquisitions and payment of debt service on borrowing. The Stabilization Fund is separate and distinct from other stabilization funds. From time to time, the Administration will ask Town Meeting to transfer funds to the Stabilization Fund from Free Cash or other sources.

ARTICLE 44. On petition of the Treasurer and Board of Selectmen, to see if the Town will vote to reaccept the provisions of Massachusetts General Law Chapter 32B, Section 20 designating the Treasurer as the Trustee of the Other Post-Employment Benefits Liability Irrevocable Trust Fund; or take any other action relative thereto.

ARTICLE 45. On petition of the Board of Selectmen and Finance Committee, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$50,000 to the Other Post-Employment Benefits Liability Irrevocable Trust Fund; or take any other action relative thereto.

End of Annual Town Meeting Warrant

To the Town Constable:

You are hereby ordered to notify and warn said qualified voters to meet at the Fuller Meadow School on Monday May 15, 2017, next for the following purposes, VIZ: To choose by ballot the following Town Officers for the ensuing year:

One Town Moderator for one year
One Town Clerk for three years
One Board of Selectmen member for three years
One Board of Assessors member for three years
One Elementary School Committee member for three years
One Elementary School Committee member for one year
Two Regional School Committee members for three years
One Planning Board member for five years
One Planning Board member for three years
Two Electric Light Commissioners for three years
Two Library Trustees for three years
One Housing Authority member for four years
One Housing Authority member for three years

The following question will appear on the ballot:

1. Shall the Town of Middleton be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for bonds issued in order to improve for recreational purposes the Natsue Way Recreational Area?

Yes _____ No _____

The Polls open at 7:00 a.m. and close at 8:00 p.m.

And you are directed to service this Warrant by posting up attested copies thereof at Memorial Hall, Post Office, Flint Public Library, Store at Howe Station Market, Ferncroft Towers, and Fuller Pond Village in said Town fourteen days, at least, before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereof, to the Town Clerk at time and place of meeting aforesaid.

Given under our hands this _____ day of _____ in the year of our Lord Two Thousand and Seventeen.

MIDDLETON BOARD OF SELECTMEN

S. _____

S. _____

S. _____

S. _____

S. _____

A true copy Attest:

S. _____
Constable of the Town of Middleton

Date Posted